

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Michael J. Lee, et al.,

Plaintiffs,

-against-

Department of Corrections, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/01/2020

1:20-cv-08407 (GBD) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

The Court is in receipt of an Amended Complaint filed by Plaintiff as well as letters from three individuals seeking to be added as plaintiffs in this action. (*See* ECF Nos. 14-17.) It appears that these documents were submitted before Plaintiff received a copy of the Court's November 9, 2020 Order severing the claims of the other individuals detained at the Vernon C. Bain Center ("VCBC") whose names appear in the Complaint. (Order, ECF No. 7.) The Amended Complaint lists the names of 13 additional VCBC detainees who were not included in the original Complaint.<sup>1</sup> (Am. Compl., ECF No. 14.)

For the same reasons set forth in the November 9, 2020 Order, the Court also will sever the claims of these additional plaintiffs into individual cases. A copy of the Amended Complaint and this Order will be docketed in each new case. The new cases will proceed independently from this point on, and Plaintiffs will not be regarded as co-plaintiffs, except upon further order of the

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<sup>1</sup> The Court notes that the Amended Complaint lists 14 individuals, one of whom, Joe Brewton #3492002387, is listed twice. (*See* Am. Compl. at 6.)

Court.<sup>2</sup> Once the new cases are opened, the Court will direct the other individuals to submit signed IFP applications, and prisoner authorizations. Any individual who did not sign the Amended Complaint will also be required to submit a declaration of his intent to proceed as a plaintiff in his own case.

Accordingly, the Clerk of Court is directed to open separate civil actions with new docket numbers for the following plaintiffs: Allen Nimmons #3492002662; James Evans #2412001523; Luis Charles #1412002870; Joe Brewton #3492002387; Mario Espinal #3492002562; George Macedon #3492002165; Flores Jose #3492002283; Jonathan Morales #1412002971; Cabral Victor #1412001723; Parris V. Colon #1412002813; Dayquan Johnson #1412002936; Pham Lam #8951901162; and Juan Ortiz #3492002305. A copy of the Amended Complaint (ECF No. 14) and this Order should be docketed in each new case. In addition, a copy of the Amended Complaint should be filed in each of the previously severed cases (see ECF No. 7) and the letters filed by Dayquan Johnson (ECF No. 15), James Evans (ECF No. 16) and Parris V. Colon (ECF No. 17) should be filed in their respective individual cases.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff and each of the 13 new plaintiffs listed herein at the following address: Vernon C. Bain Center, 1 Halleck Street, Bronx, New York, 10474, and note service on the docket.

**SO ORDERED.**

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<sup>2</sup> The severance of Plaintiffs' claims into individual cases does not mean that their claims cannot be considered or tried together. If appropriate, the Court can deem the cases related or consolidate them. See *Hagan v. Rogers*, 570 F.3d 146, 161 n.11 (3d Cir. 2009).

DATED: New York, New York  
December 1, 2020

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge